

Notice of Allowability

Application No.

10/708,456

Examiner

Carlos Lugo

Applicant(s)

RADEL, MICHAEL B.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed on November 28, 2005.
2. ☒ The allowed claim(s) is/are 1,4-7 and 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on November 28, 2005.

Allowable Subject Matter

2. **Claims 1,4-7 and 11 are allowed.**

Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance:

Claims 1 and 11 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the latch bar comprises a keeper end stop that is engageable by the cross-latch in the reception passage for stopping entry of the latch bar within the reception passage of the keeper (claim 1) and that the latch bar has a rib portion that carries a first and a second stop that prevent the latch bar from exiting the bolt housing (claim 11).

Wilcox (US 4,746,152) discloses a latch assembly formed of a bolt housing (12), a longitudinally elongated latch bar (32) partially retained within a passageway (52) of the bolt housing and longitudinally extendable therefrom, and a keeper (14) having a reception passage (68) for receiving an extending free end of the latch bar (at 36). The free end of the latch bar is extendable from the bolt housing into the keeper, thereby establishing a latching relationship with the keeper.

The free end of the latch bar is configured with a cavity (40) on a lateral face thereof. The keeper carries a cross-latch (34) in a transversely moveable

relationship with respect to the reception passage between positions of greater and lesser intersection with the reception passage.

The assembly further comprises resilient means (74) that biases the cross-latch toward a position of greater intersection with the reception passage.

An operator (18 and 46) is connected to the cross-latch for selectively retracting the cross-latch against the force of the resilient means to a position of lesser intersection with the reception passage.

The cavity (40) and the cross-latch (34) are suitably arranged such that the cross-latch and cavity are mutually engaged when the cross-latch is in the position of greater intersection with the reception passage and the free end of the latch bar has been sufficiently inserted into the reception passage, thereby locking the latch bar to the keeper.

The cross-latch and cavity are mutually disengaged when the cross-latch is in the position of lesser intersection with the reception passage, allowing the latch bar to be inserted into or removed from the reception passage.

Willcox fails to disclose that the latch bar carries a longitudinal rib of predetermined height on a major face thereof and a matching channel in the keeper extends parallel to the reception passage and receives the rib.

Tade (US 4,744,392) teaches that it is well known in the art to have a latch (43) carrying a rib (45) and that the keeper (at 14) has a matching channel (46 and 48) so as to enable the rib to enter the keeper.

However, Wilcox, as modified by Tade, fails to disclose that the latch bar comprises a keeper end stop that is engageable by the cross-latch in the reception passage for stopping entry of the latch bar within the reception passage of the keeper (claim 1) and that the latch bar has a rib portion that carries a first and a second stop that prevent the latch bar from exiting the bolt housing (claim 11).

Wilcox only discloses one stop (the periphery of the slot 56 in combination with the pin 38). Tade teaches that the rib itself is the stop, not another member extending from the rib 45.

Hardee (US 6,808,212) teaches a latch bar (11) that has a rib (22) that prevents the latch bar from exiting the bolt housing (13 and 16). However, it would be obvious to incorporate the teaching of Hardee into the device described by Wilcox because the channel or passage (52) of the bolt housing disclosed by Wilcox has a size that can not receive an additional member besides the latch bar. Further, the device described by Wilcox uses a different method to achieve the purpose of prevent the latch bar from exiting the bolt housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

December 8, 2005.



**BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER**